## IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ALABAMA WESTERN DIVISION

WILBERT COOLEY AND KANDEE COOLEY,	)
Plaintiffs	)
v.	) CIVIL NO. 06-215-BH-M
AMERIQUEST MORTAGE COMPANY, ET AL	) ) )
Defendant.	<i>)</i> )

## MOTION TO REINSTATE

**Come Now** Plaintiffs by and through counsel and file their Motion to Reinstate the above-referenced cause and would show as follows:

- 1. Plaintiffs' counsel received an email correspondence from Sandra Rey, Courtroom Deputy, regarding the status of this matter.
- 2. Plaintiffs' counsel had previously spoken to the Court that day regarding settlement of another matter, *Coley vs. Commercial Recovery System, CV-07-0356-WS-B* and assumed Sandra Rey was contacting counsel about that settlement.
- 3. However, Plaintiffs' counsel incorrectly informed Sandra Rey that a settlement had been reached in the present case.
- 4. Due the similarity of the case names, Plaintiffs' counsel mistakenly informed the Court a settlement had been reached in the current matter.
  - 5. At this time, a settlement has not been reached.

**WHEREFORE**, Plaintiffs pray that the Court reinstate this cause and allow Plaintiffs to pursue their claim against Defendant.

Respectfully submitted this 21<sup>st</sup> day of August, 2007.

/s James D. Patterson
James D. Patterson
Attorney for Plaintiffs
Post Office Box 969
Fairhope, AL 36533-0969
(251) 990-5558 voice
(251) 990-0626 fax
ipatterson@alalaw.com

## **CERTIFICATE OF SERVICE**

I hereby certify that on August 21, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

April A. England-Albright Law Office of April England-Albright 116 Mabry Street Selma, AL 36701

Kay K. Houser Robin Leigh Beardsley Sirote & Permutt, P.C. PO Box 55727 Birmingham, AL 35255-5727

Laura C. Nettles Lloyd, Gray & Whitehead, P.C. 2501 Twentieth Place S. Ste. 300 Birmingham, AL 35223

Kenneth J. Riemer Kenneth J. Riemer, Attorney at Law P.O. Box 1206 166 Government St. Mobile AL 36633

> /s James D. Patterson James D. Patterson